

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: VAN EYK, J.E. *et al.*  
Serial Number: 09/419,901  
Filed: 18 October 1999  
Group Art Unit: 1641  
Title: Methods of Diagnosing Muscle Damage  
Examiner: Lisa V. Cook  
Agent Ref. No.: 1997-023-04US

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JAN 10 2001

TECH CENTER 1600/2900

4 January 2001

Commissioner of Patents and Trademarks  
Washington, D.C.  
20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir,

This is responsive to the Office Action (for restriction only) dated 12 December 2000.  
Please amend the instant application as follows:

**IN THE CLAIMS:**

Please cancel claims 51 to 55 without prejudice or disclaimer thereof.

**REMARKS**

In the outstanding Office Action (for restriction only) the Examiner alleged that the claims of the instant application are directed to two patentably distinct inventions, set forth as follows:

Group I. Claims 1 to 50 and 56 to 68, drawn to methods and kits that assess muscle damage in a subject via one or more biological samples.

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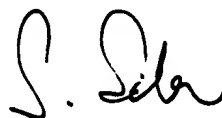
Group II. Claims 51 to 55, drawn to screening methods which identify agents that modulate the level of a chemical adduct of a myofilament protein.

Applicants elect Group I, claims 1 to 50 and 56 to 68 relating to methods and kits that assess muscle damage in a subject via one or more biological samples. Claims 51 to 55, corresponding to Group II, are cancelled.

If the Examiner has any questions about the instant Response or the application, she is asked to please telephone Stephen Scribner (Reg. No. 44,452) or Carol Miernicki Steeg (Reg. No. 39,539) at 613-533-2342.

Please charge any fees that may be required, for which no cheque is enclosed, to Deposit Account No. 17-0110.

Respectfully submitted,



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